

MANTECA CITY COUNCIL

Mayor Jack Snyder

Vice Mayor William "Bill" Perry

Councilman David Balsinger

Councilwoman Jeanne Dowhower

Councilman Albert Mezzetti

GROWTH MANAGEMENT COMMITTEE

Vice Mayor William "Bill" Perry

Councilman David Balsinger

Mrs. Charlene Carroll

Committee Secretary: David M. Jinkens, City Manager

STAFF REVIEW COMMITTEE

Curly Boyd, Parks and Recreation Director

Michael Brinton, Public Works Director

Charles Rule, Fire Chief

Phil Sanguinetti, Planning Director

Willie Weatherford, Police Chief

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CITY OF MANTECA

ADMINISTRATION

August 16, 1988

This Growth Management Program is the product of several years of study by the City Council's Growth Management Committee, as well as the entire Manteca City Council. It is the intent of the Council through this Growth Management Program to ensure planned and orderly growth in accordance with the goals and objectives of Manteca's recently adopted General Plan.

We are proud of our community and our quality environment. We are pleased with your interest in building in Manteca.

Enclosed in this booklet are several documents that describe the Growth Management Program. These documents are:

- A project allocation application, which is required for any new development to be considered.
- Resolution No. R8282, establishing a Phase I Point Rating System.
- Resolution No. 8271, establishing and empowering a three-member Growth Management Committee.
- Ordinance No. 800, establishing the Growth Management Program.
- Resolution No. 8210, certifying the Environmental Impact Report for, and adopting, the General Plan, including the Growth Management Program.

It is the hope of the Manteca City Council that this Growth Management Program will be a driving force in assuring a positive future for the City of Manteca and its residents.

Sincerely,

DAVID M. JINKENS
City Manager

CITY OF MAATECA



[The following text is extremely faint and illegible due to the quality of the scan. It appears to be a formal document, possibly a resolution or ordinance, containing several paragraphs of text and a signature line.]



CITY OF MANTECA

OFFICE OF THE CITY MANAGER

1000 J STREET, SUITE 200, MANTECA, CA 95336

TEL: (916) 835-1000 FAX: (916) 835-1001

WWW.CITYOFMANTECA.CA.GOV

PROJECT ALLOCATION APPLICATION

1. PROJECT NAME _____

2. PROJECT LOCATION _____

3. PROJECT DESCRIPTION _____

4. PROJECT BUDGET _____

5. PROJECT SCHEDULE _____

6. PROJECT CONTACT PERSON _____

7. PROJECT CONTACT PHONE _____

8. PROJECT CONTACT EMAIL _____

9. PROJECT CONTACT ADDRESS _____

10. PROJECT CONTACT CITY _____

11. PROJECT CONTACT STATE _____

12. PROJECT CONTACT ZIP _____

13. PROJECT CONTACT COUNTRY _____

14. PROJECT CONTACT TITLE _____

15. PROJECT CONTACT ORGANIZATION _____

16. PROJECT CONTACT WEBSITE _____

17. PROJECT CONTACT FAX _____



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CITY OF MANTECA

PLANNING DEPARTMENT

PROJECT ALLOCATION APPLICATION

Project Name: _____

Project Location: _____

Brief Project Description: _____

Applicant Name: _____

Address and Phone: _____

Property Owner (if different): _____

Address and Phone: _____

Number of Allocations Requested: _____

Proposed Schedule of Project (include estimated construction starting and completion dates): _____

Signature of Applicant _____ Date _____

Signature of Property Owner _____ Date _____

FOR DEPARTMENT USE ONLY

Date Received _____

As Complete _____ Application No. _____ Fee: \$150.00

Initial Point Rating by Staff Review Committee _____

Chairperson _____

Signature _____

Final Point Rating by Growth Management Committee _____

Chairperson _____

Signature _____

RESOLUTION NO. 8282

Establishment of a Phase I Point Rating System

RESOLUTION NO. R8282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MANTECA, CALIFORNIA, ESTABLISHING A PHASE I
POINT RATING SYSTEM PURSUANT TO ARTICLE 17
(COMMUNITY GROWTH MANAGEMENT PROGRAM) OF THE
MANTECA ZONING ORDINANCE

THE CITY COUNCIL OF THE CITY OF MANTECA DOES HEREBY RESOLVE
AS FOLLOWS:

Section 1. Findings.

1.1. The City Council of the City of Manteca ("City Council") recently revised the City of Manteca General Plan ("General Plan") to contain, among other things, growth management and other related goals and policies.

1.2. Pursuant to, and consistent with, those General Plan goals and policies, the City Council amended the Manteca Zoning Ordinance to add Article 17, the "Community Growth Management Program" (hereinafter "Growth Program").

1.3. The Growth Program provides that the City Council shall establish by resolution a Phase I Point Rating System for development projects seeking Project Allocations involving Phase I sewer capacity.

1.4. This Resolution so establishes the Phase I Point Rating System, which contains criteria and point ratings that are intended to promote the goals and policies of the General Plan and the Growth Program by, among other things, encouraging and promoting an orderly pattern of development, efficient utilization and expansion of public services and facilities, conservation of agricultural land and natural resources, optimum

public safety, improved housing opportunities, contribution to basic infrastructure, and improved public amenities.

Section 2. Definitions. The terms used herein shall have those meanings specified in Section 17-300 of the Growth Program, unless otherwise indicated.

Section 3. Phase I Point Rating System for Residential Development Projects. Proposed residential development projects seeking Project Allocation(s) during Phase I sewer capacity pursuant to the Growth Program shall be evaluated and rated in accordance with the point rating system contained herein. In order to be eligible for a Project Allocation(s) award, the proposed residential development project must receive a Final Point Rating from the Growth Management Committee ("Committee") or City Council, as applicable, at least equal to the Minimum Point Rating, as specified below. The maximum score attainable for a residential development project under this Point Rating System is 210 points. The Minimum Point Rating for a residential development project is 105 points.

3.1. Threshold Determinations. Certain threshold determinations are considered essential to, and therefore will be considered prerequisites of, the evaluation and determination of a residential development project's Initial Point Rating and Final Point Rating. Therefore, the applicant shall submit satisfactory evidence that the proposed residential development project will satisfy each of the threshold determinations listed below. Such evidence may consist of the development application

itself, additional documentation from the applicant, service commitments or certifications from other agencies, agreements by the applicant to undertake mitigation measures, and/or any other evidence determined satisfactory by the Staff Review Board, Committee or City Council, as applicable. The threshold determinations are as follows:

(a) The proposed development project and its proposed improvements and mitigation measures must be consistent with the General Plan.

(b) The proposed development project must obtain water service adequate to meet minimum fire flow requirements and projected consumer water needs.

After the Committee or City Council, as applicable, has determined, based upon substantial evidence, that all of the threshold determinations will be satisfied, the proposed project shall be evaluated and receive point ratings according to the criteria contained herein.

3.2. Locational Factors: Promotion of Points
Infill.

(a) Project is within a designated (10)
Redevelopment Area.

(b) Project is not in a Redevelopment (5)
Area, but is within an infill location.

3.3. Locational Factors: Promotion of Proximity
to Public Facilities.

(a) Water.

1. Project property is located (10)

adjacent to (within 200 feet of)
an existing City water line which
will have adequate domestic and fire
flow capacity at the time of project
occupancy to serve the project.

2. Project property is located more (5)
than 200 feet, but less than 500 feet,
from an existing water main with such
capacity, and the applicant will finance
the needed connection line.

(b) Sewer.

1. Project property is located (10)
adjacent to (within 200 feet of)
an existing sewer line which will
have adequate carrying capacity at
the time of project occupancy to
serve the project.

2. Project property is located (5)
more than 200 feet, but less than
500 feet, from an existing sewer
line with such capacity, and the
applicant will finance the needed
connection line.

3.4. Locational Factors: Promotion of Prime Agricultural
Land Conservation.

- (a) Project does not require conversion (10)

of prime agricultural land.

(b) Project does convert prime agricultural land, but its location minimizes the impact on other agricultural land, and it represents an orderly progression of conversion, because:

1. No other prime agricultural land (7)
borders project.
2. Other prime agricultural land borders (6)
project on only one side.
3. Other prime agricultural land borders (4)
project on only two sides.
4. Other prime agricultural land borders (2)
project on three sides.

3.5. Locational Factors: Promotion of Public Safety.

(a) Police: Response time to the project (10)
at the time of project occupancy will be five minutes or
less for priority one calls.

(b) Fire: Response time to the project (10)
at the time of project occupancy will be five minutes or
less.

(b.1) Projects that have automatic sprinkler (10)
systems

3.6. Locational Factors: Promotion of Efficient
Use of Roadways.

(a) Either traffic generated by the project
will not worsen the LOS at any intersection or along any
roadway serving or affected by the project (computed for

the weekday peak hour at the time of project occupancy) or the applicant will completely finance the improvements needed to prevent any such LOS from being worsened by the project, where, after project impact, all such roadways and intersections will be operating (with project-generated traffic) at:

- | | |
|------------|------|
| 1. LOS "A" | (10) |
| 2. LOS "B" | (7) |
| 3. LOS "C" | (5) |

(b) In addition to satisfying 3.6(a) above, (10)
the project will contribute more than half the cost of improvements which will upgrade the LOS for at least one major roadway or intersection (as so designated by the Committee) by at least one LOS service level (i.e., not only will the project not worsen the existing LOS, it will improve it).

3.7. Contribution to Public Health, Safety and Welfare.

(a) Participation in a Capital Improvement.

(up to
40 points
possible)

The applicant will finance infrastructure improvements as described below. Points will be given for each separate capital improvement (e.g., street circulation, sewer, water and storm drainage system improvements) for a potential maximum under 3.7(a) of 40 points. Points will not be given under 3.7(a) for traffic improvements credited under

3.6 above.

(b) Public Open Space.

Does the project provide for (up to 10)
public open space (1 point for each 5 acres;
minimum of 5 acres)

3.8 Neighborhood System: Project (10 each)
provides a necessary extension for, or connects pieces
neighborhood public works system(s) (street, sewer, water
and/or drainage), which improvement upgrades service for
the surrounding neighborhood.

3.9 Implementation of Housing Element.

(a) Low-Income. Project provides and
reserves units for low-income households:

1. 10% or more (5)
2. 7% to less than 10% (3)
3. 4% to less than 7% (2)
4. 1% to less than 4% (1)

(b) Moderate-Income. Project provides
and reserves units for moderate-income households:

1. 25% or more (5)
2. 20% to less than 25% (4)
3. 15% to less than 20% (3)
4. 10% to less than 15% (2)

5. 5% to less than 10% (1)

(c) Senior Citizen. Project provides and reserves units for qualifying senior citizens:

1. 50% or more (10)

2. 40% to less than 50% (8)

3. 30% to less than 40% (6)

4. 20% to less than 30% (4)

5. 10% to less than 20% (2)

(d) Low Density. Units reserved for low (10)
to moderate income or for senior citizen households that do not exceed 3.5 units per acre.

Section 4. Phase I Point Rating System for Commercial and Industrial Development Projects. Proposed commercial and/or industrial development projects seeking Project Allocation(s) during Phase I sewer capacity pursuant to the Growth Program shall be evaluated and rated in accordance with the point rating system contained herein. In order to be eligible for a Project Allocation(s) award, the proposed commercial and/or industrial development project must receive a Final Point Rating from the Committee or City Council, as applicable, at least equal to the Minimum Point Rating as specified below. The maximum score attainable for a commercial and/or industrial development project under this Point Rating System is 85 points. The Minimum Point Rating for such a development project is 42.5 points.

4.1 Threshold Determinations. Certain threshold determinations are considered essential to, and therefore will

be considered prerequisites of, the evaluation and determination of a commercial and/or industrial development project's Initial Point Rating and Final Point Rating.

Therefore, the applicant shall submit satisfactory evidence that the proposed development project will satisfy each of the threshold determinations listed below. Such evidence may consist of the development application itself, additional documentation from the applicant, service commitments or certifications from other agencies, agreements by the applicant to undertake mitigation measures, and/or any other evidence determined satisfactory by the Staff Review Board or City Council, as applicable. The threshold determinations are as follows:

(a) The proposed development project and its proposed improvements and mitigation measures must be consistent with the General Plan.

(b) The proposed development project must obtain water service adequate to meet minimum fire flow requirements and projected consumer water needs.

After the Committee or City Council, as applicable, has determined, based on substantial evidence, that all threshold determinations will be satisfied, the proposed project shall be evaluated and receive point ratings according to the criteria contained herein.

4.2. Use of Sewer Treatment Capacity. Project will be rated by its demand for sewer treatment plant capacity, as a percentage of the capacity available for its land use type as allocated each fiscal year.

- (a) less than 2% (10)
- (b) 2% to less than 5% (9)
- (c) 5% to less than 10% (8)
- (d) 10% to less than 20% (6)
- (e) 20% to less than 30% (4)
- (f) 30% to less than 40% (2)
- (g) 40% to less than 50% (1)

4.3. Redevelopment Area. Project is located in a (5)
designated Redevelopment Area.

4.4. Potential Contribution to Sales Tax. Project has potential to add sales tax revenues to the City:

- (a) \$250,001 or greater (10)
- (b) \$100,001 to 250,000 (7)
- (c) \$ 51,000 to 100,000 (5)
- (d) Under \$51,000 (3)

4.5. Potential Contribution to Job Generation.
Project has potential to add new full-time equivalent employment to the City:

- (a) 90 or greater (10)
- (b) 60-89 (9)
- (c) 30-59 (6)
- (d) 1-29 (3)

4.6. Potential Contribution to Total Annual Payroll.

- (a) \$2,500,000 or greater (10)

(b)	\$2,000,000-\$2,499,999	(9)
(c)	\$1,750,000-\$1,999,999	(8)
(d)	\$1,500,000-\$1,749,999	(7)
(e)	\$1,250,000-\$1,499,999	(6)
(f)	\$1,000,000-\$1,249,999	(5)
(g)	\$750,000-\$999,999	(4)
(h)	Up to \$749,999	(3)

4.7. Location Promoting Public Safety.

(a) Police: Response time to the project (10)
at the time of project occupancy will be five minutes
or less for priority one calls.

(b) Fire: Response time to the project (10)
at the time of project occupancy will be five minutes
or less.

(b.1) Projects that have automatic (10)
sprinkler systems.

1. All throughfares operating at LOS A. (10)
2. All throughfares operating at LOS B (7)
3. All throughfares operating at LOS C (5)

4.8.a. (See 3.6.a. language on Page 6)

Section 5. Process. The procedures and regulations
contained in the Growth Program, particularly Sections 17-1200

through 17-1209, shall apply to Department, Staff Review Board, Committee and, where applicable, City Council actions.

Section 6. Meetings, Hearings and Determinations.

The procedures and regulations contained in the Growth Program shall apply to all Department, Staff Review Board, Committee and, where applicable, City Council meetings, hearings, determinations and other actions.

Section 7. Appeals, Exhaustion and Court Actions.

The procedures and regulations contained in the Growth Program regarding appeals, exhaustion of administrative remedies and court actions, particularly Sections 17-1300 through 17-1303, shall apply.

Section 8. Environmental Assessment.

8.1. The California Environmental Quality Act, California Public Resources Code Section 21000 et seq., and the "CEQA Guidelines" promulgated thereunder, Title 14 of the California Administrative Code, Section 15000 et seq. (hereinafter referred to collectively as "CEQA"), applies only to projects which may have the potential for causing a significant effect on the environment.

8.2. The Growth Program (and this related Resolution) is a mitigation measure recognized in, and contemplated by, the Environmental Impact Report ("EIR") prepared in conjunction with the revision of the City's General Plan. As a mitigation measure, the Growth Program will not cause any significant effects in addition to any caused by the General Plan revision

project. The Growth Program, therefore, has been properly reviewed and addressed by said EIR pursuant to CEQA, and will not have a significant impact on the environment. A Notice of Determination to that effect has been filed by the City with the County Clerk. This Resolution and the Phase I Point Rating System it establishes are contemplated and required by the Growth Program, and therefore are also a part of the mitigation measure recognized in, and contemplated by, said EIR. This Resolution will not cause any significant effects in addition to any caused by the General Plan revision project. As such, this Resolution (and its Phase I Point Rating System) have been properly reviewed and addressed by said EIR pursuant to CEQA, and will not have a significant impact on the environment.

8.3. The Director of the Planning Department is hereby authorized and directed to file, within five (5) working days of the adoption date of this Resolution, a "Notice of Determination" with the San Joaquin County Clerk pursuant to the procedures and requirements set forth in the City's local CEQA Guidelines and the State CEQA Guidelines.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have

adopted this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 10. Effective Date. This Resolution shall take effect immediately upon adoption.

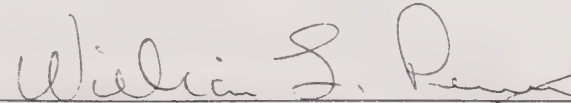
PASSED, APPROVED AND ADOPTED by the City Council of the City of Manteca at a regular meeting thereof held on the 15th day of August, 1988, by the following vote:

AYES: Council Members Balsinger, Dowhower, Mezzetti and Perry.

NOES: None.

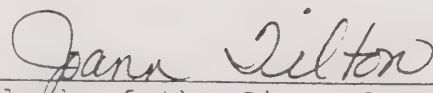
ABSTAIN: None.

ABSENT: Mayor Snyder.



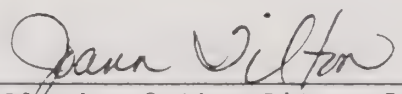
Mayor of the City of Manteca

ATTEST:



City Clerk of the City of Manteca

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Manteca, County of San Joaquin, State of California at a regular meeting of said City of Manteca City Council held on the 15th day of August, 1988.



City Clerk of the City of Manteca

MPD:lj/9
2261S/07.25.8
71876.005

RESOLUTION NO. 8271

Establishment and empowerment
of a Growth Management Committee

RESOLUTION NO. 8271

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MANTECA, CALIFORNIA,
ESTABLISHING AND EMPOWERING A
GROWTH MANAGEMENT COMMITTEE PURSUANT TO
ARTICLE 17 OF THE MANTECA ZONING ORDINANCE

THE CITY COUNCIL OF THE CITY OF MANTECA DOES HEREBY
RESOLVE AS FOLLOWS:

Section 1. Findings.

1.1. The City Council of the City of Manteca ("City Council") recently revised the City of Manteca General Plan ("General Plan") to contain, among other things, growth management and other related goals and policies.

1.2. Pursuant to, and consistent with those General Plan goals and policies, the City Council amended the Manteca Zoning Ordinance to add Article 17, the "Community Growth Management Program" (hereinafter "Growth Program").

1.3. Section 17-500 of the Growth Program provides that in order to administer and implement the Growth Program, a Growth Management Committee ("Committee") shall be established, empowered, and have its membership determined by, City Council resolution.

1.4. This Resolution so establishes, empowers and determines the membership of, the Committee.

Section 2. Definitions. The terms used herein shall have those meanings specified in Section 17-300 of the Growth Program, unless otherwise indicated.

Section 3. Establishment of Growth Committee.

Pursuant to Section 17-500 of the Growth Program, a Growth Management Committee ("Committee"), is hereby established and empowered as set forth herein for the purpose of implementing and administering the Growth Program.

3.1. Membership of Committee. The Committee shall consist of a total of three (3) members: two (2) members of the City Council and one (1) resident elector of the City. If, however, any membership cannot be reasonably filled from the designated categories, the City Council may appoint such other person who is capable of fulfilling the duties and obligations set forth herein.

3.2. Quorum. A quorum of the Committee shall consist of two (2) Committee members. Any action of the Committee shall require an affirmative vote of not less than two (2) members.

3.3. Powers and Duties. The Committee shall undertake and have the following powers, duties, responsibilities, and functions, together with the powers incidental thereto:

(a) To implement and administer the Growth Program and to undertake and have those powers, duties, responsibilities and functions expressly and impliedly provided for in the Growth Program;

(b) To make such determinations, establish and adopt such procedures, bylaws, rules and regulations, conduct such studies, surveys, investigations, and hearings in order to obtain such information as is necessary or appropriate to implement and administer the Growth Program and to exercise and execute its powers, duties, responsibilities and functions pursuant to this Resolution;

(c) To report annually to the City Council on the status of development and growth management in the City;

(d) To undertake such other duties as may be assigned by the City Council from time to time;

(e) To adopt such procedures, bylaws, rules and regulations as are necessary and/or appropriate for the transaction of its meetings and business; and

(f) To exercise such other powers necessary or appropriate to carry out the intent and purposes of the Growth Program, this Resolution, and any other related City Council action.

Any procedures, bylaws, rules or regulations developed by the Committee shall be subject to the approval of the City Council. Such procedures, bylaws, rules or regulations shall be published in at least one (1) newspaper of general circulation in the City, shall be kept in the City Manager's office, and shall be available to the public for inspection and copying.

3.4. Appointment of Committee Members. Members of the Committee shall be appointed by the Mayor of the City with the affirmative votes of not less than three (3) members of the City Council.

3.5. Term of Service. Each member of the Committee shall serve for a two-year term, which terms shall expire on June 30th of the designated expiration year. Notwithstanding the above, the first term of one of the three Committee members shall be for one year, in order to provide for a staggering of Committee member terms. The Growth Committee member to serve the initial one-year term shall be determined by lot.

3.6. Removal of Committee Member. Any member of the Committee may be removed from such office, with or without cause, at any time, by the City Council. No such removal shall be effective unless a motion to that effect, made at a regular, adjourned regular, special, or adjourned special meeting, is carried by the affirmative votes of not less than three (3) members of the City Council.

3.7. Committee Meetings. Committee meetings shall be held on a periodic basis. The Committee shall establish the time and place of its regular meetings, subject to the approval of the City Council. All such meetings shall be conducted in accordance with the provisions of the Ralph M. Brown Act. The Committee shall keep a record of its proceedings, which shall be open for inspection by any member of the public.

3.8. Absence of Committee Members. Any member of the Committee who is absent, without sufficient cause, from three (3) successive regular meetings of the Committee shall be deemed to have vacated his or her office. An absence due to illness or an unavoidable absence from the City shall be deemed an excused absence of sufficient cause provided notice thereof is given to the secretary of the Committee by such member on or before the day of any regular meeting of the Committee.

3.9. Committee Chairperson. The Committee shall annually elect one of its members as chairperson. Such election shall take place at the first regular meeting in July, or as soon, thereafter, as practicable.

3.10. Committee Vacancies: Qualifications of Successors. Whenever a vacancy occurs on the Committee, such vacancy shall be filled in the manner set forth in Paragraph 3.4 herein. Where a vacancy occurs leaving an unexpired term, the subsequent appointment shall be made for the balance of such unexpired term. Except for the removal of a Committee member (as provided in Paragraph 3.6 herein) or a vacancy due to absence (as provided in Paragraph 3.8 herein) a Committee member shall continue to serve as such until his or her successor is appointed, notwithstanding the expiration of his or her term.

3.11. Compensation of Committee Members. Each member of the Committee shall be entitled to such compensation as may be set by the City Council. Such members shall be

entitled to reimbursement for expenses incurred in the performance of their official duties if the same is approved, in advance, by the City Council. The Committee shall not have the authority to expend or authorize the expenditure of any public funds, except with the prior express approval of the City Council.

3.12. Committee Secretary. The City Manager shall designate the secretary of the Committee and such other advisory positions as the City Manager may determine appropriate. The City Manager shall provide appropriate clerical assistance for the Committee and shall be responsible for the maintenance of all its permanent records.

3.13. Full Disclosure of Holdings. All members of the Committee shall file with the City Clerk a financial statement pursuant to the Political Reform Act of 1974, as amended.

Section 4. Process. The procedures and regulations contained in the Growth Program, particularly Sections 17-1200 through 17-1209, shall apply to Department, Staff Review Board and Committee actions.

Section 5. Meetings, Hearings and Determinations.

The procedures and regulations contained in the Growth Program shall apply to all Department, Staff Review Board and Committee meetings, hearings, determinations and other actions.

Section 6. Appeals, Exhaustion and Court Actions.

The procedures and regulations contained in the Growth Program

regarding appeals, exhaustion of administrative remedies and court actions, particularly Sections 17-1300 through 17-1303, shall apply.

6.1. Forms. The Committee shall establish or cause to be established the form upon which the request for appeal shall be transmitted to the City Clerk.

Section 7. Environmental Assessment.

7.1. The California Environmental Quality Act (California Public Resources Code Section 21000 et seq., and the "CEQA Guidelines" promulgated thereunder, Title 14 of the California Administrative Code, Section 15000 et seq.; hereinafter referred to collectively as "CEQA"), applies only to projects which may have the potential for causing a significant effect on the environment.

7.2. The Growth Program (and this related resolution) is a mitigation measure recognized in, and contemplated by, the Environmental Impact Report ("EIR") prepared in conjunction with the revision of the City's General Plan. Further, as a mitigation measure, the Growth Program will not cause any significant effects in addition to any caused by the General Plan revision project. The Growth Program, therefore, has been properly reviewed and addressed by said EIR pursuant to CEQA, and will not have a significant impact on the environment. A Notice of Determination to that effect has been filed by the City with the County Clerk. This Resolution and the Committee it establishes and empowers are

contemplated and required by the Growth Program, and therefore are also a part of the mitigation measure recognized in, and contemplated by, said EIR. This Resolution will not cause any significant effects in addition to any caused by the General Plan revision project. As such, this Resolution (and the Committee) have been properly reviewed and addressed by said EIR pursuant to CEQA, and will not have a significant impact on the environment.

7.3. The Director of the Planning Department is hereby authorized and directed to file, within five (5) working days of the adoption date of this Resolution, a "Notice of Determination" with the San Joaquin County Clerk pursuant to the procedures and requirements set forth in the City's local CEQA Guidelines and the State CEQA Guidelines.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 9. Effective Date. This Resolution shall take effect immediately upon adoption.

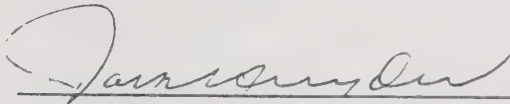
PASSED, APPROVED AND ADOPTED by the City Council of the City of Manteca at a regular meeting thereof held on the 18th day of July, 1988, by the following vote:

AYES: Council Members Balsinger, Dowhower, Perry, and Snyder

NOES: None

ABSTAIN: None

ABSENT: Councilman Mezzetti



Mayor of the City of Manteca

(Signatures continued on next page)

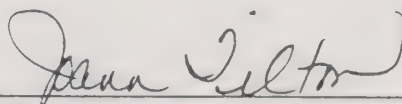
(Signatures continued from previous page)

ATTEST:



City Clerk of the City of Manteca

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Manteca, County of San Joaquin, State of California at a regular meeting of said City of Manteca City Council held on the 18th day of July, 1988.



City Clerk of the City of Manteca

MPD:ns/8
2236S/07.14.8
71876.005

ORDINANCE NO. 800

Establishment of a Community
Growth Management Program

ORDINANCE NO. 800

AN ORDINANCE ADDING ARTICLE 17 TO THE MANTECA
ZONING ORDINANCE, TO ESTABLISH A COMMUNITY
GROWTH MANAGEMENT PROGRAM

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS
FOLLOWS:

SECTION 1. ARTICLE 17 ADDED TO MANTECA ZONING
ORDINANCE.

Article 17 is hereby added to the Manteca Zoning
Ordinance, to provide as follows:

"ARTICLE 17 COMMUNITY GROWTH MANAGEMENT PROGRAM

SEC 17-100 FINDINGS.

The City Council hereby finds and determines as
follows:

(a) This Community Growth Management Program ("Growth
Program") is adopted pursuant to the City's police powers under
Article XI, Section 7 of the California Constitution, and is
intended to promote the health, safety and general welfare
interests of the residents of the City, as specifically set
forth herein.

(b) The City Council has recently revised the City of
Manteca General Plan ("General Plan"). As revised, the General
Plan contains growth management and other related goals and
policies.

(c) This Growth Program is consistent with the General Plan, and has as its purpose the implementation of the growth management goals policies and other policies contained in the General Plan.

(d) The City's population has been growing at a faster rate than both the County and the State. Between 1980 and 1987, the City's population increased by approximately 49%. By comparison, during the same period the County's population increased by approximately 25%, and the State's population increased by approximately 15%.

(e) In 1980, Manteca had approximately 6.8% of the County's housing stock. From 1981 to 1987, the City issued approximately 16.5% of the single-family, and 18% of the multi-family building permits issued in the County as a whole. By 1987, Manteca's share of the County's housing stock had increased to approximately 8%.

(f) During the 1970-84 period the City processed and permitted an average of 417 housing units per year. In 1985, 1164 housing units were built in the City. Also in 1985, due to increased development pressures and a lack of adequate sewage treatment capacity, it was necessary for the City to adopt an interim ordinance and extending interim ordinances to limit further development while the City's problems regarding the lack of adequate sewage treatment capacity were studied and resolved.

(g) In reaction to that increased demand for sewage treatment capacity, the sewer plant serving the City was expanded. The sewer treatment plant expansion for the "Phase I" expansion was completed in 1987. The Phase I expansion is forecasted to provide capacity for approximately three years of growth. The City is currently developing plans for its Phase II sewer treatment plant expansion. The Phase II expansion will provide an approximate additional 1,279,500 gallons per day of treatment capacity, allowing for additional development (after Phase I) for approximately six years of growth. With the completion of the Phase II capacity expansion, the City will need to consider construction of a second sewer treatment plant adjacent to the existing plant or an entirely new plant in another location.

(h) The City Council now finds it necessary to coordinate Phase I and Phase II sewer treatment capacities with the number of building permits issued for residential, commercial, industrial and other development to ensure that new development does not exceed the amount of available sewer capacity. To this end, the City Council shall adopt, by this Growth Program for Phase I and by subsequent resolution for Phase II, a Sewer Allocation System which shall distribute available sewage treatment capacity between residential, commercial, industrial and other development.

(i) Further, while the City has immediate sewage treatment capacity constraints which must be addressed, the

City also has short and long term General Plan goals and policies which must be implemented. To this end, the City must be able to critique and rate competing development proposals through a "Point Rating System" to ensure that only those projects which best further the goals and policies of the General Plan may use the sewage treatment capacity available.

(j) It is the purpose and intent of this Growth Program to implement and advance the goals and policies of the General Plan by establishing a mechanism and approach by which a steady, orderly and balanced rate of annual residential, commercial, industrial and other development growth in the City can be achieved, and advancing the housing opportunities of the region in which the City is situated, while balancing that desired growth and new housing need against the existing and projected public service, facility and protection needs of the City's residents and the existing and projected City fiscal, environmental, and public service resources and constraints, in an effort to, among other things:

- (1) Protect against premature development in the absence of necessary sewage treatment capacity in Phase I and Phase II, by ensuring that capacity is available and effectively staged, financed and allocated in a manner which will protect against the overextension of existing facilities, will allow existing services to be brought up to

required and necessary standards, and will minimize, by means of long-range planning, the avoidable costs of short-sighted facility expansion;

- (2) Protect against premature development in the absence of other necessary services, facilities and protections, by ensuring that those services, facilities and protections provided by the City and/or other service agencies operating in the City, can be properly and effectively staged and financed in a manner which will protect against the overextension of existing facilities, will allow existing services to be brought up to required and necessary standards, and will minimize, by means of long-range planning, the avoidable costs of short-sighted facility expansion;
- (3) Provide quality housing opportunities for all economic sectors of the community and region, and provide significant incentives to developers to include low and moderate-income housing in their developments;
- (4) Provide a proper balance between residential, commercial, industrial and other development;

- (5) Provide a proper balance between single and multi-family residential development in order to implement the residential mix goals and policies of the General Plan; and
- (6) Provide a short- and longer-range growth rate comensurate with the City's historical and projected growth needs.

(k) The regional housing needs, as defined by Government Code Section 65584, of the region in which the City is situated and the City's fair share allocation of those housing needs are addressed in the San Joaquin Council of Governments ("County COG") publication entitled "San Joaquin County Fair Share Housing Allocation 1986-90." The housing need projections contained in that publication, as well as the modification to those needs projections based on household projections prepared by the State Department of Finance, were coordinated and are set forth in the General Plan as follows:

	<u>Year</u> <u>86/87</u>	<u>Year</u> <u>87/88</u>	<u>Year</u> <u>88/89</u>	<u>Year</u> <u>89/90</u>	<u>Year</u> <u>90/91</u>	<u>Year</u> <u>91/92</u>	<u>Total</u>
1) County COG Fairshare	381	381	381	381	381	381	2,286
2) General Plan Projected Units	167	1,278	249	248	585	608	3,135

(1) The County COG has also projected future annual growth-rate scenarios for the City for each of the years 1985 through 2010 (presuming adequate sewer capacity). These

projections are set forth in the General Plan Background Report. These annual growth-rate scenarios range from between 2% and 5%, depending upon a variety of different variables. The City Council has met and received input from various community individuals and groups regarding future annual growth rates and has determined that a longer-range average annual residential growth rate (i.e., once Phase II sewer capacity becomes available) of up to 3.9% will best serve the needs and desires of the entire community. At the same time, the City Council recognizes that the short-term growth rate for the City will be controlled by available Phase I sewer capacity.

(m) The General Plan and this Growth Ordinance will not have a substantial adverse effect on the City's regional fair share (as set forth in the General Plan), and is compatible with state housing goals and regional housing needs because:

- (1) The annual residential growth rate allowed by this Growth Program under Phase I Sewer Allocation coupled with the recent growth experience of the City prior to the adoption of this Growth Program (as described in paragraphs d, e and f above), will cumulatively allow more overall residential development (housing opportunities) than that contemplated by the County COG (as evidenced by paragraph k);

- (2) The annual residential growth rate allowed by this Growth Program under Phase II sewer allocation will be up to, but will not exceed 3.9%. As set forth above, the County COG contemplates a future growth rate for the City of Manteca of between 2% and 5%. The maximum 3.9% growth rate is on the upper end of the County COG growth projection's and exceeds the total annual housing needs projected for the City by the County COG.
- (3) The Point Rating Systems to be established pursuant to this Growth Program will provide incentives to developers to include low and moderate-income housing in their development proposals.
- (4) The General Plan contains goals, policies, and implementation programs for the provision of housing to meet the needs of all income groups in Manteca. Among twenty implementation programs listed in the Housing Element of the General Plan are programs calling for awarding of density bonuses for projects containing low- and/or moderate-income housing, active pursuit of all available and appropriate state and federal funding bonuses for new construction

and rehabilitation, use by the City and Redevelopment Agency of Community Development Block Grant funds and tax increment revenues to subsidize on- and off-site infrastructure improvements for lower-income housing projects, use of redevelopment powers and revenues to assemble parcels and sell land to developers of lower-income housing projects at reduced rates, in special circumstances, waiving of City development fees for housing projects affordable to lower-income households, use of techniques such as mortgage revenue bonds to develop affordable housing and activation and use of the City's Housing Authority powers. Together, the goals, policies, and implementation programs of the Housing Element of the General Plan constitute a good faith, diligent effort to meet the housing needs of all existing and projected income groups in the City.

(n) This Growth Program presents a reasonable balance and accommodation of the public health, safety and welfare interests advanced by growth management on the one hand, and the public health, safety and welfare interests advanced by the continued provision of safe, sanitary and affordable regional

housing on the other hand, because it advances the interests listed in paragraph (j) without adversely impacting the City's regional housing obligations as evidenced by paragraphs (k), (l) and (m).

(o) To the extent this Growth Ordinance may be determined to reduce the housing opportunities of the region, the findings contained in paragraph (j) herein as to the public health, safety and welfare interests promoted by the adoption of this Growth Ordinance, particularly the interests in assuring that adequate sewage capacity is available, are hereby found to justify any such reduction in the housing opportunities of the region.

(p) In order to implement the goals and policies of the General Plan and to accomplish the above findings and determinations (which are consistent with those General Plan goals and policies), the City must be able to control the rate, distribution, and economic level of proposed development on both a year-to-year and long-term basis. To this end, this Growth Ordinance shall be in effect from and after its effective date through June 30, 1996, the projected year that both Phase I and Phase II sewage capacities will have been depleted and new sewage capacities will be available.

SEC 17-200 PURPOSE.

The purpose of this ordinance is to implement the goals and policies of the General Plan. Those goals and

policies contemplate, without limitation, an ordinance and other necessary City acts and regulations which provide a mechanism to control the rate, quality, distribution, and where necessary, economic level of proposed residential, commercial, industrial and other development in the City in order to, among other things:

(a) Maintain, and where necessary enhance, the community's current public services and facilities;

(b) Protect against the construction of development projects which will require sewage treatment capacity in excess of that determined available by the City Council;

(c) Preserve and protect the environment;

(d) Preserve and protect the quality of life and character of the community;

(e) Provide for the orderly and adequate expansion of the City's housing stock in order to advance regional housing opportunities and to accommodate a reasonable share of expected regional growth;

(f) Provide for the adequate and orderly expansion of the City's commercial and industrial development base in balance with the City's housing stock;

(g) Provide for a balance between single-family and multi-family residential development;

(h) Conserve viable agricultural and open space lands; and

(i) Encourage and facilitate development proposals which accomplish the goals, policies, and programs of the General Plan which cannot be accomplished by zoning alone, including the goals, policies, and programs of the housing element to provide affordable and balanced housing.

SEC 17-300 DEFINITIONS.

Whenever the following terms are used in this Growth Program, they shall have the meaning established by this Section unless from the context it is apparent that another meaning is intended.

(a) "Annual Allocation" shall mean the total number of Project Allocations for which building permits may be issued in a specified year. Annual Allocation is further defined in Section 17-805 of this Growth Program.

(b) "Building permit" shall mean the final City approval before construction may begin. This is usually the permit issued by the building division of the City Public Works Department. In the case of mobile home parks requiring no other entitlement from the City, it shall mean the use permit for the Park.

(c) "City" shall mean the City of Manteca.

(d) "City Council" shall mean the City Council of the City of Manteca.

(e) "City Manager" shall mean the City of Manteca City Manager or his/her designated representative.

(f) "Consumer Unit" or "CU" shall have that meaning set forth in Section 17-802(a) of this Growth Program.

(g) "Criteria" shall mean the considerations and measures used for comparing the features of a proposed project against such features in other proposed projects. Such criteria shall be incorporated into a "Project Rating System" to be adopted by City Council resolution. The Project Rating System shall be used by the Staff Review Board and Growth Management Committee to determine point ratings to be assigned proposed development projects requesting Project Allocations.

(h) "Department" shall mean the City of Manteca Planning Department.

(i) "Developer" shall mean a person, partnership, corporation or other business entity who proposes to engage in development.

(j) "Development" shall mean the uses to which the land is put, including without limitation, subdivision pursuant to the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land (except by a public agency), the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

(k) "Development project" shall mean the whole of any single-use or multiple-use development containing one or more of the following uses: residential, commercial, office, industrial, public and quasi-public, or other use requiring sewage treatment capacity. The construction of more than one

residential unit at a time within an area approved as a single subdivision or site plan application shall be considered one project, whether or not separate building permits are to be issued for each structure. The independent construction of one or more single units which are coincidentally within the same subdivision shall each be considered a separate project.

(l) "Director" shall mean the City of Manteca Planning Director or his/her designated representative.

(m) "Final Point Rating" shall mean the final determination by the Growth Management Committee or City Council regarding the total number of points achieved by a development project (seeking Project Allocations) when rated by said Committee or City Council pursuant to the Project Rating System.

(n) "Initial Point Rating" shall mean the recommendation by the Staff Review Board to the Growth Management Committee regarding the total number of points achieved by a development project (seeking Project Allocations) when rated by said Board pursuant to the Project Rating System.

(o) "Low-income dwelling unit" shall mean a separate housing unit for rent or sale with a rental rate or consumer purchase cost which enables persons with a gross household income that does not exceed eighty percent (80%) of the San Joaquin County area median income (as adjusted for family size) to rent or purchase that unit.

(p) "Minimum Point Rating" shall mean the minimum qualifying point total which can be achieved by a development project (seeking Project Allocations) under the Project Rating System to be eligible for Project Allocation award.

(q) "Moderate-Income Dwelling Unit" shall mean a separate housing unit for rent or sale with a rental rate or consumer purchase cost which enables persons with a gross household income that exceeds eighty percent (80%) but does not exceed one hundred twenty percent (120%) of the San Joaquin area median income (as adjusted for family size) to rent or purchase that unit.

(r) "Project Allocation" shall mean that portion of the Annual Allocation awarded to a specific development project pursuant to this Growth Program.

(s) "Project Rating System" shall mean that system, composed of a number of general and specific criteria used for assigning and determining Initial Point Ratings, Final Point Ratings and Minimum Point Ratings to a specific proposed development project requesting Project Allocations. The Project Rating System shall be established by City Council resolution, and is further explained in Sections 17-900 and 17-1100 of this Growth Program.

(t) "Reservation" shall have the meaning set forth in Section 17-1208 of this Growth Program.

SEC 17-400 APPLICATION.

(a) This Growth Program shall apply to all development project(s) within the City (as well as those development projects outside the City seeking sewer capacity which the City Council--by special agreement ratified by a City Council resolution securing an approving vote of the majority of the entire City Council--determines appropriate) except as otherwise provided in this Growth Program. No development project building permits shall be issued by the City unless and until a Project Allocation has been obtained by the development project in accordance with this Growth Program, except as otherwise provided in this Growth Program.

(b) The provisions of this Growth Program shall not apply to the following:

- (1) Development project(s) which solely relate to the replacing of, remodeling of, conversion of, or adding to, an existing building or structure recently destroyed building or structure, provided that no additional sewer need (i.e. need in excess of the prior sewer need) is created. To the extent that any additional sewer capacity is needed or deemed needed, the development project shall be subject to this Growth Program.

- (2) Those development projects set forth in Exhibit "A", attached hereto and incorporated herein by this reference.
- (3) Development project(s) which solely relate to the division of land and not to the construction of any building(s) or structure(s), or the commencement of any use(s) which will result in the need for any sewage treatment capacity. To the extent that such a development project will create a need for any sewage treatment capacity, it shall be subject to this Growth Program. Subsequent development project applications (e.g., building permits, use permits) seeking to construct any building(s) or structure(s), or to commence any use(s) on that previously subdivided land shall be subject to this Growth Program.

SEC 17-500 ESTABLISHMENT OF A GROWTH MANAGEMENT COMMITTEE.

(a) In order to administer this Growth Program, and in particular to make the Project Allocation evaluations, determinations and awards pursuant to this Growth Program, a Growth Management Committee shall be established, empowered, and have its membership determined by, City Council resolution.

(b) The Growth Management Committee shall have those powers expressly given by City Council resolution, as well as those powers necessarily and/or appropriately implied therefrom, in order to carry out the goals, policies and purposes of the General Plan, this Growth Program, and those subsequent City Council actions taken in furtherance thereof.

SEC 17-600 ESTABLISHMENT OF STAFF REVIEW BOARD.

In order to assist the Growth Management Committee in its administration of this Growth Program, and in particular to make point rating recommendations to the Growth Management Committee pursuant to this Growth Program and subsequent City Council action, a Staff Review Board is hereby established. Its membership shall be the same as the Environmental Review Committee, established by the City's local CEQA Guidelines. The Staff Review Board shall be further empowered by Growth Management Committee and/or City Council action.

SEC 17-700 PROJECT ALLOCATION SYSTEM.

Except as otherwise provided herein, all proposed residential, commercial, industrial and other development projects in the City shall first secure a Project Allocation before a building permit for such development can be issued. The Project Allocation process shall involve both: (1) the Sewer Allocation System (as set forth in this Growth Program and in subsequent City Council action) which shall determine

the amount of Phase I and Phase II sewage capacity available to each type of development; and (2) the Point Rating System, to be established by subsequent City Council action, which shall establish a mechanism by which to evaluate specific development project proposals competing for such available sewage capacity.

SEC 17-800 PHASE I SEWER ALLOCATION SYSTEM.

The Phase I Sewer Allocation System contained herein is intended to provide a framework within which the Growth Management Committee can make judgments regarding the allocation of available Phase I sewer capacity to development projects. This Sewer Allocation System is designed to fairly and equitably allocate available Phase I sewer capacity among competing residential, commercial, industrial and other development proposals based on the goals and policies of the General Plan and this Growth Program.

SEC 17-801 Available Phase I Sewer Capacity.

It is estimated that the City's portion of the Phase I sewer treatment plant expansion which can be considered for allocation for years 1987 through 1990 is 3000 Consumer Units ("CUs") or 750,000 gallons per day of sewer treatment capacity. In 1987, a portion of that Phase I capacity was set aside for those development projects listed in Exhibit "A." It was determined at that time that those development projects had progressed to a point where their immediate and ultimate

development plans and proposals had been adequately addressed by staff in the proposed Growth Program, and that their development would not be in conflict with, disrupt, render difficult, and/or impede the success and integrity of this Growth Program. The charts below exhibit the division of the total 3,000 CU's originally available (as divided among the different categories of development) as well as the remaining Phase I capacity available for allocation. That remainder amount represents the total Phase I capacity (3,000 CUs), reduced by the CUs promised to the development listed in Exhibit "A". The amount, criteria and division of remaining Phase I capacity for residential, commercial, industrial and other development projects shall be determined on the basis of the criteria contained in this Growth Program and subsequent City Council and Growth Management Committee action.

The amount, criteria and division of Phase II sewer capacity shall be determined by subsequent City Council action.

SEC 17-802 General Criteria For Phase I Sewer Allocations.

(a) Consumer Unit. A Consumer Unit ("CU") shall mean a unit of waste water discharge consisting of 250 gallons per day (gpd) of domestic strength sewage.

(b) Dwelling Unit. A Dwelling Unit ("DU") shall mean a single residential dwelling unit consisting of one or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

The number of CUs needed per DU shall be determined pursuant to this Growth Program.

(c) Land Use Distribution. The following was the distribution of the City's total share of the Phase I sewer treatment plant capacity according to land use designation prior to allocation of capacity to the development projects listed in Exhibit "A":

<u>Land Uses</u>	<u>% of Avail- able Phase I Capacity</u>	<u>Gallons per Day (GPD)</u>	<u>Max. CUs Allowed</u>	<u>Max. DUs Allowed</u>
<u>Residential</u>	<u>60</u>	<u>450,000</u>	<u>1800</u>	<u>1775</u>
Single-Family	51.16	383,750	1535	1421
Multi-Family	8.84	66,250	265	354
<u>Commercial</u>	<u>18</u>	<u>135,000</u>	<u>540</u>	
General	13	97,500	390	
Office	5	37,500	150	
<u>Industrial</u>	<u>7</u>	<u>52,500</u>	<u>210</u>	
<u>Schools</u>	<u>5</u>	<u>37,500</u>	<u>150</u>	
<u>Reserve</u>	<u>10</u>	<u>75,000</u>	<u>300</u>	
<u>TOTAL</u>	<u>100%</u>	<u>750,000</u>	<u>3000</u>	<u>1775</u>

SEC 17-803 Residential Projects.

All residential projects, shall calculate waste water treatment capacity based on a per Dwelling Unit (DU) quantity, as follows:

(a) Single-Family Dwelling Units

1.08 CUs per DU
(3.25 persons/unit,
83 gpd/person;
269.75 gpd/unit)

(b) Multi-Family Dwelling Units

0.75 CUs per DU
(2.25 persons/unit,
83 gpd/person;
186.75 gpd/unit)

(c) Infill Residential

Presumed 1.08 CUs
per DU for purposes
of Section 17-802(c)
above. Actual CU
use will depend on
development project
proposed.

(d) Status of Residential Dwelling Units ("DUs") under
Phase I (as of 2/1/88)

	<u>DUs</u>
(1) Already Allocated Sewer	1278
° Single Family (970)	
° Multi Family (308)	
(2) Remaining to be Allocated	497
° Single Family (451)	
° Multi Family (46)	
Total	1775

SEC 17-804 Guidelines For Non-Residential Projects.

The maximum Consumer Units available for commercial, industrial schools and all other non-residential projects shall not exceed that identified in Section 17-802 (c), above. Guidelines for the allocation of CUs to non-residential land use categories are as follows:

(a) Commercial.

Equivalent to 13.6 CUs or 3400 gpd per gross acre.

(b) Industrial.

Equivalent to 18.8 CUs or 4700 gpd per gross acre.

(c) Schools and Reserve.

The "schools" and "reserve" categories are designed to reserve sewer capacity rather than allocating fixed amounts per acre or project unit. It is anticipated that between the date of adoption of this Growth Program and when optimum sewer capacity is available, there may be a changing/ varying need for capacity in the various categories. It is anticipated that these will be handled on an "as needed" basis by a case-by-case evaluation by the Growth Management Committee within the maximum CUs available to schools and reserve according to Section 17-802(c) of this Growth Program.

SEC 17-805 Annual Allocation.

(a) Residential.

The total number of remaining Phase I CUs hereinafter available for Project Allocation award to single-family residential development during Phase I sewer capacity is approximately 487 CUs. As set forth in Section 17-803(d)(2), this will allow approximately 451 single-family dwelling units for the remainder of Phase I sewer capacity. The total number of remaining Phase I CUs hereinafter available for Project Allocation award to multi-family residential development during Phase I sewer capacity is approximately 35 CUs. As set forth in Section 17-803(d)(2), this will allow approximately 46

multi-family dwelling units for the remainder of Phase I sewer capacity. Following a noticed public hearing, the City Council shall determine by resolution the maximum number of Phase I CUs (of those 487 CU and 35 CU totals) available for each of fiscal years 1988-89, and 1989-90.

(b) Industrial.

The total number of Phase I CUs hereinafter available for Project Allocation award for industrial development during Phase I sewer capacity is approximately 210 CUs. Following a noticed public hearing, the City Council shall determine by resolution the maximum number of Phase I CUs (of that 210 CU total) available for each of fiscal years 1988-89, and 1989-90.

(c) Commercial.

The total number of Phase I CUs hereinafter available for Project Allocation award for general and office commercial development during Phase I sewer capacity is approximately 390 CUs, and 150 CUs, respectively. Following a noticed public hearing, the City Council shall determine by resolution the maximum number of Phase I CUs available (of those 390 CU and 150 CU totals) for each of fiscal years 1988-89, 1989-90.

(d) Other.

The number of Phase I CUs hereinafter available for Project Allocation award for other development during fiscal years 1988-89, and 1989-90 shall be determined by City Council resolution, following a noticed public hearing, and shall be

consistent with the CU determinations set forth in Section 17-802(c) of this Growth Program.

(e) Carryover.

In the event that the maximum amount of CU's allowed by the Annual Allocation for each land use distribution are not allocated during a given Annual Allocation, such CU's not allocated may be carried over and added to any subsequent Annual Allocation. Such "carried-over" CUs may be used in the subsequent Annual Allocation(s) of:

(1) The particular land use distribution category from where they came; or

(2) In any other land use distribution category.

The decision to allow such carryover shall be in the discretion of the Growth Management Committee, subject to ratification by the City Council.

SEC 17-900 PHASE I POINT RATING SYSTEM.

The City Council shall immediately establish by resolution a Phase I Point Rating System for development projects seeking Project Allocations involving Phase I sewer capacity. Development projects seeking such Project Allocations shall be subject to review and rating in accordance with said Point Rating System, and must receive a Minimum Point Rating in order to qualify for award of Project Allocations.

The City Council shall establish a Phase II Point Rating System when Phase II sewer capacity becomes available.

SEC 17-1000 PHASE II SEWER ALLOCATION SYSTEM.

(a) When Phase II sewage treatment capacity becomes available, the City Council, following a noticed public hearing, shall determine by resolution the maximum number and types of residential, commercial and industrial Project Allocations which can be approved for each following year, years or other subsequent period (as determined by City Council resolution). The City Council shall consider, without limitation, the following:

- (1) The goals, policies and programs of the General Plan including the housing element goals, objectives and programs for affordable housing, housing mix and jobs/housing balance.
- (2) The number of projects previously approved but not developed, including exempt projects.
- (3) The general availability of existing and projected public utilities, facilities and services.
- (4) The specific availability of sewage capacity.
- (5) The annual development review report to be drafted by the Staff Review Board and/or Growth Management Committee in order to assist the City Council in their growth management determinations.
- (6) Comments received at the public hearing.

(b) Such determinations shall be consistent with, and shall implement, the goals and policies of the General Plan, including those goals and policies regarding the division of Project Allocations between single-family residential and multi-family residential development projects. As set forth in Sections 17-100(l) and 17-100(m), the average annual residential growth rate under Phase II shall not exceed 3.9%.

SEC 17-1100 PHASE II POINT RATING SYSTEM.

The City Council shall establish a Phase II Point Rating System when Phase II sewer capacity becomes available.

SEC 17-1200 PROCESS.

The procedures and regulations contained in Sections 17-1200 through 17-1209 of this Growth Program shall apply to Project Allocation(s) under both Phase I and Phase II sewer capacity unless otherwise indicated.

SEC 17-1201 Application Process.

(a) Prior to obtaining residential, industrial or commercial tentative or parcel map approval, or building permit(s) for development not subject to the Subdivision Map act (Government Code Section 66410 to 66499.58) and amendments thereto, the developer of the proposed development project (not exempt from this Growth Program) shall apply for, and receive award of, Project Allocation(s) as set forth in this Growth

Program. It is anticipated that the developer will make application for Project Allocation(s) concurrently with its application for subdivision approval or use permit approval.

(b) Any application for a Project Allocation shall be made on the forms established by the Department, shall contain that information determined necessary by the Department in order to properly administer this Growth Program, and shall be filed with the Department on the day of the week designated by the Department. The Department shall formalize said forms, contents and procedure into written form, and shall submit same to the City Council for approval.

(c) The application shall be accompanied by that fee established by City Council resolution.

(d) An application may be amended upon the submittal of an additional application made in the same manner and subject to the same filing requirements and/or deadlines as the original application. The date that such amended application shall be considered filed for priority purposes shall be the date the amended application is received and accepted as complete by the Department. Priority shall be determined pursuant to Section 17-1206 of this Growth Program.

SEC 17-1202 Competitive Evaluation Pursuant To Point
Rating System.

(a) Subject to other limitations contained herein, in order for a Project Allocation to be awarded, the applicant

must properly file its application or amended application within the time limits set by the Growth Management Committee and/or by subsequent City Council action, and must receive a Minimum Point Rating under the Point Rating System.

(b) Proposed development projects seeking Project Allocations shall have their Project Allocation applications initially considered and evaluated by the Staff Review Board. The Staff Review Board shall review each such Project Allocation(s) application and shall recommend to the Growth Management Committee an Initial Point Rating pursuant to the Point Rating System established by City Council Resolution. The Staff Review Board shall make written findings supporting each of its recommendations, and shall have substantial evidence in the record supporting each of its findings.

(c) The Growth Management Committee shall meet on a periodic basis, to be determined by City Council Resolution. The Growth Management Committee shall consider at a noticed public hearing the analysis and Initial Point Ratings recommended by the Staff Review Board and shall assign a Final Point Rating Score for each Project Allocation application. The Growth Management Committee shall make written findings supporting its determinations regarding each Final Point Rating Score, and shall have substantial evidence in the record supporting each of its findings.

Thereafter, the Growth Management Committee shall determine the priority (pursuant to Section 17-1206 of this

Growth Program) for the award of Project Allocations for each Project Allocation application which has received a Final Point Rating above the Minimum Point Rating.

In the event that a Project Allocation application receives a Minimum Point Rating, but no Project Allocations are left in that year's Annual Allocation, the Growth Management Committee, in its discretion, may:

- (1) Award Project Allocations for the next available year's Annual Allocation, provided that the Project Allocations so awarded do not become effective until the next succeeding year; or
- (2) Take such other action as it determines appropriate, provided such action is in furtherance of the intent, purpose and express provision of this Growth Program.

(d) The Director shall mail a summary of the Growth Management Committee's Project Allocation determinations to each Project Allocation applicant at the address shown on the Project Allocation application.

SEC 17-1203 Time Limit For Growth Management Committee Action
And Steps In Process.

(a) Each Project Allocation application shall be processed by the Department pursuant to the provisions of Government Code Section 65920 et seq. The Project Allocation application shall be rated by the Staff Review Board and set

for hearing before the Growth Management Committee within 30 days of the date the Project Allocation application is accepted by the Department as complete or deemed complete by operation of law. Notwithstanding the above, failure to so act within said 30 days after the application is accepted as complete or deemed complete shall not constitute an award of the requested Project Allocations.

(b) The overall process for approval of those projects subject to this ordinance is likely, although not mandated, to occur in the following steps:

- (1) Applications for both the underlying development project and Project Allocations filed by development project proponent with the Department.
- (2) Environmental review initiated and determinations on proposed project completed (e.g. whether to prepare exemption, negative declaration, or environmental impact report).
- (3) Competitive rating of proposed development project pursuant to Point Rating System for award of Project Allocation commenced by Staff Review Board.
- (4) Tentative award of Project Allocations and Reservations (conditioned upon receipt of all other necessary land use approvals).
- (5) Legislative approvals secured: e.g., General Plan, specific plan, zoning.

- (6) Administrative approvals secured: e.g., tentative map.
- (7) Time limit on life of Project Allocation begins to run from tentative map, use permit or similar permit approval.
- (8) Ministerial approvals secured: e.g., final subdivision maps.
- (9) Building permits issued.

SEC 17-1204 Revocation Of Project Allocations.

(a) Once a project has been awarded a Project Allocation, that Project Allocation shall remain in effect unless:

- (1) Projects with changed characteristics.
Relevant characteristics of the project change to the extent that the project would not have received a Project Allocation because it would not have received a Minimum Point Rating if it had been evaluated in light of the new/changed characteristics. For example, environment review or other review of the project might evidence that the project must be changed, and that change would leave the project with less than a Minimum Point Rating. In such a case, the Director, City Manager, or other staff

member shall notify the Staff Review Board which shall recommend appropriate action to the Growth Management Committee.

- (2) Expiration of Project Allocations. All development projects receiving a Project Allocation permit shall obtain building permits within twelve (12) months of the date of the final award of the Project Allocation'(s) permit. Project Allocation permits shall be issued at the time of the tentative map approval, use permit or other similar permit approval. Project Allocation(s) of any development project which fails to obtain building permits within that 12-month period shall expire, unless an extension is granted by the Growth Management Committee. The Growth Management Committee may grant extensions of up to six (6) months each, if the Growth Management Committee finds that the particular facts and circumstances warrant an extension and that there is a reasonable probability that building permits will be obtained within the period of the extension. Once building permits have been issued, the Project Allocation(s) shall be valid for only the

life of the building permit. The face of the Project Allocation permit shall set forth in bold print such time restrictions and the expiration date of the Project Allocation permit.

- (3) Failure to Comply. If it is determined that a development project does not or will not comply with the maps, plans, specifications, schedules or other conditions or representations upon which the Project Allocation or map approval or planning permit was granted, the Growth Management Committee may, after notice and public hearing, revoke all or any portion of the development project's Project Allocation(s).

(b) The Growth Management Committee shall determine whether a Project Allocation(s) should be revoked after it has received evidence at a noticed public hearing. That written determination shall contain written findings supporting the determination and the findings shall be supported by substantial evidence in the record.

SEC 17-1205 Reallocation.

(a) If any development project with awarded Project Allocation(s) loses its Project Allocation(s) (and the Consumer Units the Project Allocation(s) represent) pursuant to

Section 17-1204 of this Growth Program, the Growth Management Committee or City Council following a noticed public hearing, may:

- (1) Award those Project Allocation(s) to other development projects which received Minimum Point Ratings the same year as the development project from which the Project Allocations came;
- (2) Add the Project Allocation(s) to subsequent Annual Allocations; and/or
- (3) Take whatever other action the Growth Management Committee or City Council determines appropriate provided such action is consistent with the General Plan, this Growth Program and any City Council and/or Growth Management Committee action taken in furtherance thereof.

SEC 17-1206 Priority.

In the event that there are more Project Allocation applications which have received Minimum Point Ratings than there are Project Allocations available for that year's Annual Allocation, the priority of Project Allocation applications to receive Project Allocations shall be determined by the date and time the Project Allocation application was accepted as complete by the Department or deemed complete by law.

SEC 17-1207 Assurance Of Project Features And Development Schedule.

In order to assure that projects will be built and made available to occupants as indicated by an applicant when projects are competitively rated, the City may enter into development agreements (pursuant to Government Code Section 65864, et seq.), annexation agreements, require the posting of bonds or other guarantees, withhold occupancy permits or other entitlements, and/or pursue other land use measures/remedies provided for in this and other City regulations and in state and federal law.

SEC 17-1208 Reservations Of Project Allocations For Future Years.

Reservations are Project Allocations which may be reserved by a phased (e.g., multi-final map) development project in one year, to be used in specified future years. Once reserved, the Annual Allocation of that specified future year shall be reduced by said Reservation. The Growth Management Committee may determine to reserve future Project Allocations for a specific phased project pursuant to the goals and policies of the General Plan, this Growth Program, subsequent City Council and Growth Management Committee action. Developer requests for Project Allocation Reservations may be reviewed for award by the Growth Management Committee at the time of current year Project Allocations. Reservations, if awarded, shall be awarded on the basis of the Point Rating

System and such other criteria as appropriate. Awards of Reservations are for a specific year(s) only, and shall not be considered Project Allocations for any other year(s) than the specific year for which the Reservation applies. Failure to use the reserved Project Allocations in the specified year will result in a lapse of said Project Allocations, which shall be null and void.

SEC 17-1209 Assignment.

All Project Allocations, when issued, shall run with the land and are not transferable except with the land, subject to the provisions of this Growth Program relating to the revocation/lapse of Project Allocations, and the securing of all other necessary approvals.

SEC 17-1300 APPEALS, EXHAUSTION AND COURT ACTIONS.

The procedures and regulations contained in Sections 17-1300 through 17-1303 of this Growth Program shall apply to Project Allocation(s) under both Phase I and Phase II sewer capacity unless otherwise indicated.

SEC 17-1301 Appeals.

(a) The Project Allocation determinations and other determinations of the Growth Management Committee, pursuant to this Growth Program and subsequent City Council and Growth Management Committee action, shall be appealable by the

applicant or by any other interested party to the City Council, provided such appeal is made within ten (10) days following the date of the challenged determination.

(b) An appeal shall be made on a form prescribed by the Growth Management Committee and shall be filed with the City Clerk. The appeal shall state specifically the alleged error or abuse of discretion by the Growth Management Committee and how its decision is not supported by the findings and/or substantial evidence in the record.

(c) Within seven (7) working days of the filing of an appeal, the Director shall transmit to the City Clerk the Project Allocation application, the Initial and Final Point Ratings, the minutes of the public hearing, the report of the Staff Review Board, the findings and decision of the Growth Management Committee, and all other relevant material.

(d) The City Clerk shall set the matter for public hearing pursuant to the following:

(1) The hearing shall be held in the Council Chambers of the Manteca City Hall or in such other location as the City Council shall direct.

(2) The hearing before the City Council shall be held not less than fourteen (14) nor more than twenty-five (25) days following receipt by the City Clerk of the appeal application.

(3) A hearing before the City Council shall be noticed by mailing notices to all property owners within three hundred (300) feet of the boundaries of the property in question, as these property owners are listed on the last equalized assessment role of the County Assessor. Such notices shall be mailed out not less than eleven (11) days prior to the date of hearing.

(e) The City Council may affirm, reverse, or modify a decision of the Growth Management Committee provided that the City Council acts on the basis of the record of the Growth Management Committee action (i.e., the record transmitted by the Director pursuant to subdivision (c) above) and such additional evidence received by the City Council at its public hearing. The City Council shall make written findings supporting its determination regarding the appeal and the Final Point Rating Score, and shall have substantial evidence in the record supporting each of its findings. The City Councils' decision on the appeal shall become effective immediately and shall be final.

SEC 17-1302 Exhaustion of Administrative Remedies.

In any action or proceeding to attack, review, set aside, void, or annul a finding, determination or decision of the City Council, Growth Management Committee, Staff Review Board, Director and/or any other City agency or employee made

pursuant to this Growth Program at a properly noticed public hearing, the issues raised shall be limited to those raised in the public hearing or in written correspondence delivered to the City prior to, or at, the public hearing, except as otherwise provided by law. There shall be included in any public notice issued pursuant to this Growth Program a notice substantially stating the following: "If you challenge the (nature of proposed action) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (City body conducting the hearing) at, or prior to, the public hearing."

SEC 17-1303 Time Limit.

No action or proceeding described in Section 17-1302 above which is brought pursuant to Section 1094.5 of the California Code of Civil Procedure shall be maintained unless said action or proceeding is commenced and service is made on the applicable City body and/or employee within 90 days after the challenged action. Section 1094.6 of the California Code of Civil procedure is hereby made applicable to such actions.

SEC 17-1400 EFFECT OF PROJECT ALLOCATION.

The granting of a Project Allocation pursuant to the procedures and provisions of this Growth Program and subsequent City Council and/or Growth Management Committee action shall

not exempt nor affect the developer's obligation to obtain all required General Plan, specific plan, zoning, environmental, subdivision and/or other land use approvals as are required by statute and/or local ordinance, resolution or other policy and/or regulation as a prerequisite to the application for and receipt of building permits."

SECTION 2. ENVIRONMENTAL ASSESSMENT.

The City Council further finds and declares as follows:

(a) The California Environmental Quality Act, California Public Resources Code Section 21000 et seq., and the "CEQA Guidelines" promulgated thereunder, Title 14 of the California Administrative Code, Section 15000 et seq. (hereinafter referred to collectively as "CEQA"), applies only to projects which may have the potential for causing a significant effect on the environment.

(b) This Community Growth Management Program is a mitigation measure recognized in, and contemplated by, the Environmental Impact Report ("EIR") prepared in conjunction with the revision of the City's General Plan, and will not cause any significant effects in addition to those caused by the General Plan revision project as proposed. This Ordinance has, therefore, been properly reviewed and addressed by said EIR pursuant to CEQA, and will not have a significant impact on the environment.

(c) The Director of the Planning Department is hereby authorized and directed to file, within five (5) working days

of the adoption date of this Ordinance, a "Notice of Determination" with the San Joaquin County Clerk pursuant to the procedures and requirements set forth in the City's local CEQA Guidelines and the State CEQA Guidelines.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

This Ordinance amending the Manteca Zoning Ordinance by adding Article 17 (the Community Growth Management Program) shall become effective 30 days from adoption.

SECTION 5. PUBLICATION.

Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published once in the Manteca Bulletin, a newspaper of

general circulation, along with a notice setting forth the date of the adoption and the title of this Ordinance.

THIS ORDINANCE WAS INTRODUCED at a regular meeting of the City Council of the City of Manteca on the 2nd day of May, 1988, and was PASSED AND ADOPTED at a regular meeting of said Council on the 16th day of May, 1988, by the following vote:

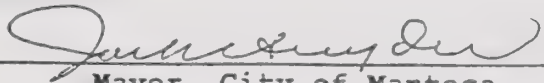
AYES: Council Members Balsinger, Dowhower, Mezzetti, Perry, and Snyder

NOES: None

ABSTAIN: None

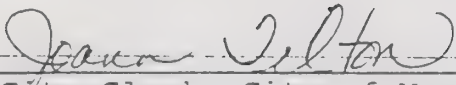
ABSENT: None

APPROVED:



Mayor, City of Manteca

ATTEST:



City Clerk, City of Manteca

MPD:mc/5
1830S/04.25.8
71876.005

CERTIFICATE

I, JOANN TILTON, CITY CLERK, City of Manteca, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 800, which was duly introduced at a regular meeting of the City Council of the City of Manteca on the 2nd day of May, 1988, and was passed and adopted at a regular meeting of said Council on the 16th day of May, 1988.



City Clerk, City of Manteca

1830S

EXHIBIT "A"

Pursuant to Section No. 17-400(b)(2) of the Community Growth Management Program ("Growth Program"), the following residential development projects are excluded from the Growth Program:

<u>Project</u>	<u>Dwelling Units Allowed</u>
Chadwick Square	90
Quail Ridge	84
Quails Nest	8
Aksland Estates No. 2	25
Greystone Manor No. 7, No. 8, and No. 9	50
Diane Place	18
Winters Estates	70
Daniels Estates	102
Dovich Square	65
Vintage Estates	33
Crestwood Square Condominiums	59
Spring Meadow	50
Raymus Manor North #1	3
Man-Faire Estates	1
Aksland Estates	2
Camellia Gardens #1	2
Sherwood Forest #2	7
Raymus Manor North #2	0
Golf Villas (condos)	68
Union West #4	14
Sequoia Homesites #7	17
Greenview Estates #3	60
Camellia Gardens #2	27
Monticello #2	0
Greenview West	47
Marsh Creek	17
Williams Estates	15
Creekside	31
Oak Gardens	5
Bright Dev. W. Center	196
Park Place London Prop.	<u>112</u>
Total	1278

RESOLUTION NO. 8210

Certification of
Environmental Impact Report for,
and adoption of, the General Plan,
including a Growth Management Program

RESOLUTION NO. 8210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANTECA CERTIFYING THE ENVIRONMENTAL
IMPACT REPORT FOR, AND ADOPTING, THE GENERAL
PLAN AND PROVIDING FOR PERIODIC REVIEW OF
THE GENERAL PLAN

WHEREAS, in May 1985, the City Council of the City of Manteca initiated a comprehensive revision of its 1980 General Plan in conformance with California Government Code Sections 65300, et seq; and

WHEREAS, in May 1985, the firm of J. Laurence Mintier & Associates was hired by the City of planning consultants to prepare the revision to the General Plan; and

WHEREAS, the planning consultant, together with members of its consultant team, carried out an identification process consisting of a townhall meeting, public official interviews, and written responses from the community at large; and

WHEREAS, based on the identification process the planning consultant and its consultant team prepared and published in March 1986 a detailed draft Background Report describing and assessing existing environmental and developmental conditions, constraints, and opportunities in the City; and

WHEREAS, the planning consultant and its consultant team, working closely with City staff and a citizens advisory committee, developed four land use options for consideration by the Planning Commission and the City Council; and

WHEREAS, each option was assessed by the planning consultant and its consultant team as to its impacts on, and implications for, land use, population, housing, traffic, public services and facilities, environmental quality, and economic and fiscal conditional; and

WHEREAS, the results of those assessments were summarized in an "Options Assessment Report" published in October 1986; and

WHEREAS, that report was released for public review at a townhall meeting in November 1986; and

WHEREAS, the report was reviewed by the Planning Commission at five hearings between November 1986 and February 1987, during which public comments were received; and

WHEREAS, the report was reviewed by the City Council at nine hearings between February and April, 1987, during which public comments were received; and

WHEREAS, on April 19, 1987, the City Council made its final recommendations, and directions, to the planning consultant on the preferred land use plan; and

WHEREAS, based on those recommendations, and directions, the planning consultant and its consultant team prepared the draft goals, policies, and

implementation programs constituting the "Policy Document" of the General Plan; and

WHEREAS, concurrent with the preparation of the Policy Document, the planning consultant and its consultant team updated the draft Background Report and prepared a draft General Plan Assessment Report (EIR) to: 1) meet the requirements of the California environmental Quality Act, and 2) assess the economic and fiscal impacts and implications of the draft General Plan; and

WHEREAS, the draft Policy Document, updated Background Report, and draft Assessment Report were released for public review in September 1987; and

WHEREAS, the draft General Plan documents (including the draft EIR) were sent to the state clearinghouse and to local agencies for a forty-five (45) day review period (commencing September 21, 1987 and ending November 5, 1987); and

WHEREAS, the draft general plan documents (including the draft housing element) were sent to the California Dept. of Housing and Community Development for review pursuant to Government Code Section 65585; and

WHEREAS, a joint City Council - Planning Commission study session was held regarding those draft documents on September 25, 1987; and

WHEREAS, the Planning Commission received public testimony on the draft General Plan documents (including the draft EIR) at a noticed public hearing on September 29, 1987 and the City Council received public testimony on those same documents at noticed public hearings on January 25, 1988 and February 2, 1988; and

WHEREAS, four hearings and meetings concerning those draft documents were held by the Planning Commission, and four hearings and meetings for the same purpose were held by the City Council, all between September 1987 and April 1988; and

WHEREAS, the planning consultant, together with its consultant team prepared the final General Plan Policy Document, the final General Plan Background Report, and final Assessment Report (Final EIR), based on the direction of the City Council and comments received on the final General Policy Document and Assessment Report (Final EIR); and

WHEREAS, the Planning Commission recommended the certification of the Assessment Report (EIR) and the adoption of the General Plan, by the affirmative vote of not less than a majority of its total membership, and has communicated that certification and recommendation in writing to the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANTECA FINDS AND RESOLVES AS FOLLOWS:

1. Finds that it has carefully studied and considered all of the information and opinions provided to it by the public review process, the recommendations of the Planning Commission, and the information contained in the updated Background Report, the Assessment Report (Final EIR), and the Policy Document.

2. Finds that the Planning Commission has recommended to it that the Final EIR be certified and that the proposed General Plan revision be adopted.

3. Finds that numerous significant impacts of the proposed land use plan were identified in the draft and final Assessment Report, and that all but two of said impacts will be mitigated to a level of less than significant by policy and programs contained in the General Plan Policy Document.

4. Finds that the two potentially significant adverse environmental impacts are serious traffic congestion at various intersections and road segments (Chapter 4 of the Final EIR); and the loss of agricultural soils and lands, and the cancellation or non-renewal of Williamson Act Contracts (Chapter 7 of the Final EIR).

5. Finds that the City of Manteca, pursuant to the General Plan Policy Document, will adopt a growth management program by ordinance consistent with the findings expressed in Appendix B of such General Plan Policy Document, which program will significantly reduce the impacts on traffic and agricultural land.

6. Finds that the City of Manteca is legally bound to provide its fair share of housing in relation to the regional needs for same.

7. Finds that urban expansion to meet regional fair share housing needs will necessarily result in the loss of agricultural soils and lands and in serious traffic congestion at various intersections and road segments.

8. Finds that considerations of state policy regarding the identification of and provision for adequate housing for the existing and projected needs of all economic segments of the state, region, and community override and outweigh the two potentially significant unmitigateable adverse impacts described in Finding 4 above.

9. Finds that the proposed Assessment Report (Final EIR) meets the requirements of the California Environment Quality Act.

10. Finds that it has carefully considered the proposed General Plan revision, has noticed and held the required public hearings, and that the proposed revised General Plan consists of the elements required to be included and in addition contains some of the elements permitted to be included and that the plan provides a suitable and logical plan for the future development of the City of Manteca.

11. Resolves that the Findings Regarding Community Growth Management Program set forth in Appendix B of the General Plan Policy Document are approved and adopted.

12. Resolves that the Assessment Report (Final EIR) is certified as addressing all the points and elements required of an EIR by the California Environmental Quality Act.

13. Resolves that the document consisting of maps, charts and reports entitled "City of

Manteca General Plan" (consisting of the General Plan Background Report and the General Plan Policy Document), and dated May, 1988 is adopted as the General Plan of the City of Manteca under the authority of the California Government Code.

14. Resolves that in order to keep the general plan current with the needs of the City and so that it represents the most current and comprehensive ideas of the City Council, Planning Commission and other boards and commissions of this City, and of the citizens at large, in the light of changing conditions, the Planning Commission shall periodically review the general plan and recommend to the City Council not less often than annually such extensions, changes or additions to the General Plan which the Planning Commission considers necessary. If the Planning Commission finds that no changes are necessary, it shall report this finding to the City Council. The Planning Commission review procedure shall be timed so that amendments to the General Plan may be adopted by the City Council before the City begins the formulation of a capital improvement program for the ensuing fiscal year.

15. Resolves that the Planning Commission is designated as the official agency to receive the list of proposed public works and to classify recommendations for public works and to prepare a coordinated program of proposed public works for each fiscal year. It is the intention of the City Council that the General Plan be the guide for the capital improvement program of the City. The Planning Commission shall submit an annual report to the City Council regarding the capital improvement program. The annual report shall review each proposed project for its conformity to the General Plan, reviewing the program as a whole in order to suggest changes or modifications.

16. Resolves that the Planning Commission is designated as the Planning agency having jurisdiction to pass upon the conformity with the adopted General Plan of the location, purpose, and extent of the acquisition of real property, the disposal of real property, or the authorization or construction or both of a public building or structure within the City.

17. Resolves that the City Clerk shall endorse upon the General Plan the fact of its adoption by this resolution and the date.

The foregoing resolution was introduced at a meeting of the City Council of the City of Manteca held on May 2, 1988, and adopted at a meeting held on May 2, 1988, by the following vote:

AYES: Council Members Balsinger, Dowhower,
Mezzetti, Perry, and Snyder

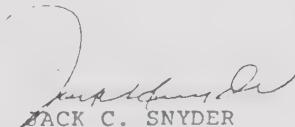
NOES: None

ABSENT: None

ATTEST:



JOANN TILTON
CITY CLERK



JACK C. SNYDER
MAYOR

EXHIBIT A

CITY OF MANTECA GENERAL PLAN FINDINGS REGARDING COMMUNITY GROWTH MANAGEMENT PROGRAM

The City Council hereby finds and determines as follows:

(a) This revised General Plan is adopted pursuant to California Government Code Section 65300 et seq.

(b) As revised, the General Plan contains growth management and other related goals and policies.

(c) The City's population has been growing at a faster rate than both the County and the State. Between 1980 and 1987, the City's population increased by approximately 49%. By comparison, during the same period the County's population increased by approximately 25%, and the State's population increased by approximately 15%.

(d) In 1980, Manteca had approximately 6.8% of the County's housing stock. From 1981 to 1987, the City issued approximately 16.5% of the single-family, and 18% of the multi-family building permits issued in the County as a whole. By 1987, Manteca's share of the County's housing stock had increased to approximately 8%.

(e) During the 1970-84 period the City processed and permitted an average of 417 housing units per year. In 1985, 1164 housing units were built in the City. Also in 1985, due to increased development pressures and a lack of adequate

sewage treatment capacity, it was necessary for the City to adopt an interim ordinance and extending interim ordinances to limit further development while the City's problems regarding the lack of adequate sewage treatment capacity were studied and resolved.

(f) In reaction to that increased demand for sewage treatment capacity, the sewer plant serving the City was expanded. The sewer treatment plant expansion for the "Phase I" expansion was completed in 1987. The Phase I expansion is forecasted to provide capacity for approximately three years of growth. The City is currently developing plans for its Phase II sewer treatment plant expansion. The Phase II expansion will provide an approximate additional 1,279,500 gallons per day of treatment capacity, allowing for additional development (after Phase I) for approximately six years of growth. With the completion of the Phase II capacity expansion, the City will need to consider construction of a second sewer treatment plant adjacent to the existing plant or an entirely new plant in another location.

(g) The City Council now finds it necessary to coordinate Phase I and Phase II sewer treatment capacities with the number of building permits issued for residential, commercial, industrial and other development to ensure that new development does not exceed the amount of available sewer capacity. To this end, the City Council intends to adopt a Community Growth Management Program ("Growth Program") for

Phase I and by subsequent resolution for Phase II, a Sewer Allocation System which shall distribute available sewage treatment capacity between residential, commercial, industrial and other development.

(h) Further, while the City has immediate sewage treatment capacity constraints which must be addressed, the City also has short and long term General Plan goals and policies which must be implemented. To this end, the City must be able to critique and rate competing development proposals through a "Point Rating System" to ensure that only those projects which best further the goals and policies of the General Plan may use the sewage treatment capacity available.

(i) It is the purpose and intent of this General Plan to provide a policy foundation for establishing a mechanism and approach by which a steady, orderly and balanced rate of annual residential, commercial, industrial and other development growth in the City can be achieved, and advancing the housing opportunities of the region in which the City is situated, while balancing that desired growth and new housing need against the existing and projected public service, facility and protection needs of the City's residents and the existing and projected City fiscal, environmental, and public service resources and constraints, in an effort to, among other things:

- (1) Protect against premature development in the absence of necessary sewage treatment capacity in Phase I and Phase II, by

ensuring that capacity is available and effectively staged, financed and allocated in a manner which will protect against the overextension of existing facilities, will allow existing services to be brought up to required and necessary standards, and will minimize, by means of long-range planning, the avoidable costs of short-sighted facility expansion;

- (2) Protect against premature development in the absence of other necessary services, facilities and protections, by ensuring that those services, facilities and protections provided by the City and/or other service agencies operating in the City, can be properly and effectively staged and financed in a manner which will protect against the overextension of existing facilities, will allow existing services to be brought up to required and necessary standards, and will minimize, by means of long-range planning, the avoidable costs of short-sighted facility expansion;
- (3) Provide quality housing opportunities for all economic sectors of the community and region, and provide significant incentives

to developers to include low and moderate-income housing in their developments;

- (4) Provide a proper balance between residential, commercial, industrial and other development;
- (5) Provide a proper balance between single and multi-family residential development in order to implement the residential mix goals and policies of the General Plan; and
- (6) Provide a short- and longer-range growth rate comensurate with the City's historical and projected growth needs.

(j) The regional housing needs, as defined by Government Code Section 65584, of the region in which the City is situated and the City's fair share allocation of those housing needs are addressed in the San Joaquin Council of Governments ("County COG") publication entitled "San Joaquin County Fair Share Housing Allocation 1986-90." The housing need projections contained in that publication, as well as the modification to those needs projections based on household projections prepared by the State Department of Finance, were coordinated and are set forth in the General Plan as follows:

	<u>Year</u> <u>86/87</u>	<u>Year</u> <u>87/88</u>	<u>Year</u> <u>88/89</u>	<u>Year</u> <u>89/90</u>	<u>Year</u> <u>90/91</u>	<u>Year</u> <u>91/92</u>	<u>Total</u>
1) County COG Fairshare	381	381	381	381	381	381	2,286
2) General Plan Projected Units	167	1,278	249	248	585	608	3,135

(k) The County COG has also projected future annual growth-rate scenarios for the City for each of the years 1985 through 2010 (presuming adequate sewer capacity). These projections are set forth in the General Plan Background Report. These annual growth-rate scenarios range from between 2% and 5%, depending upon a variety of different variables. The City Council has met and received input from various community individuals and groups regarding future annual growth rates and has determined that a longer-range average annual residential growth rate (i.e., once Phase II sewer capacity becomes available) of up to 3.9% will best serve the needs and desires of the entire community. At the same time, the City Council recognizes that the short-term growth rate for the City will be controlled by available Phase I sewer capacity.

(1) The General Plan and the Growth Program will not have a substantial adverse effect on the City's regional fair share (as determined by the County COG), and is compatible with state housing goals and regional housing needs because:

- (1) The annual residential growth rate allowed by the Growth Program under Phase I Sewer Allocation coupled with the recent growth

experience of the City prior to the adoption of this Growth Program (as described in paragraphs d, e and f above), will cumulatively allow more overall residential development (housing opportunities) than that contemplated by the County COG (as evidenced by paragraph k);

- (2) The annual residential growth rate allowed by the Growth Program under Phase II sewer allocation will not exceed 3.9%. As set forth above, the County COG contemplates a future growth rate for the City of Manteca of between 2% and 5%. The maximum 3.9% growth rate is on the upper end of the County COG growth projection's and exceeds the total annual housing needs projected for the City by the County COG.
- (3) The Point Rating Systems to be established pursuant to the Growth Program will, pursuant to the General Plan, provide incentives to developers to include low and moderate-income housing in their development proposals.
- (4) The General Plan contains goals, policies, and implementation programs for the provision of housing to meet the needs of

all income groups in Manteca. Among twenty implementation programs listed in the Housing Element of the General Plan are programs calling for awarding of density bonuses for projects containing low- and/or moderate-income housing, active pursuit of all available and appropriate state and federal funding bonuses for new construction and rehabilitation, use by the City and Redevelopment Agency of Community Development Block Grant funds and tax increment revenues to subsidize on- and off-site infrastructure improvements for lower-income housing projects, use of redevelopment powers and revenues to assemble parcels and sell land to developers of lower-income housing projects at reduced rates, in special circumstances, waiving of City development fees for housing projects affordable to lower-income households, use of techniques such as mortgage revenue bonds to develop affordable housing and activation and use of the City's Housing Authority powers. Together, the goals, policies, and implementation programs of the Housing Element of the General Plan constitute a

good faith, diligent effort to meet the housing needs of all existing and projected income groups in the City.

(m) The General Plan and Growth Program presents a reasonable balance and accommodation of the public health, safety and welfare interests advanced by growth management on the one hand, and the public health, safety and welfare interests advanced by the continued provision of safe, sanitary and affordable regional housing on the other hand, because it advances the interests listed in paragraph (i) without adversely impacting the City's regional housing obligations as evidenced by paragraphs (j), (k) and (l).

(n) To the extent the General Plan and Growth Program may be determined to reduce the housing opportunities of the region, the findings contained in paragraph (i) herein as to the public health, safety and welfare interests promoted by the adoption of the General Plan Growth Program, particularly the interests in assuring that adequate sewage capacity is available, are hereby found to justify any such reduction in the housing opportunities of the region.

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